

Remarks

Claims 158-183 were rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Fuller. In response, applicants have amended base claim 158.

The invention is directed to a technique for use by a directory assistance service to facilitate communications between a calling party and a called party when the called party is currently unavailable. A caller who wishes directory assistance is connected to a directory assistance provider, e.g., an operator, to search for a destination telephone number desired by the caller. As part of the directory assistance service, the operator may initiate a connection to the destination telephone number for the caller. If a predetermined condition on the connection is detected, such as a ring-no-answer condition or a busy signal, a voice unit plays an announcement to the caller with several options. In accordance with an aspect of the invention represented e.g., by base claim 158, by selecting one such option, the caller may leave a voice page message, or an alphanumeric text page message for the called party at a number different from the destination number. In addition, the caller is afforded an option to obtain the number of the pager, PCS, etc. of the called party from a directory assistance provider. Page 4, lines 1-5; page 24, line 26-page 25, line 4 of the specification.

In accordance of another aspect of the invention represented, e.g., by base claim 172, after a call has been terminated (e.g., the caller has terminated the call), the directory assistance service sends an alphanumeric page message to the caller's communications device, if the caller's device is capable of accepting such a page message (page 27, lines 15-22). The page message may include, e.g., the name of the called party and the telephone number of the called party (page 27, lines 26-30).

Fuller discloses a communications control system that allows a subscriber to determine *a priori* how incoming calls are to be handled (col. 8 ,lines 19-22). However, nowhere does Fuller teach or suggest "searching by a directory assistance provider for a destination telephone number associated with a desired party," as amended claim 158


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now recites. At best, Fuller discloses retrieving a forwarding number from a memory (col. 2, lines 4 - 11). In addition, Fuller fails to teach or suggest allowing the caller to obtain "from a directory assistance provider" an "identifier of the messaging device" to which a message is sent when an attempt to call the called party for the caller is unsuccessful, as amended claim 158 also recites. In fact, nowhere does Fuller disclose providing any information at all to the caller, other than the fact that the called party is temporarily unavailable (col. 13, lines 4 - 20). As such, amended claim 158, together with its dependent claims (159 - 171), is patentable over Fuller.

Moreover, nowhere does Fuller teach or suggest "determining whether a caller has a device capable of receiving a message," as recited in claim 172. In fact, Fuller teaches away from the claimed invention by determining that the called party (the "subscriber") has a device, such as a cellular phone, that can receive a text message (col. 13, lines 4-15). A fortiori, nowhere does Fuller teach or suggest "sending a message ... to the device when it is determined that the caller has the device capable of receiving a message," as also recited in claim 172. As such, claim 172, together with its dependent claims (173-183), is patentable over Fuller.

In view of the foregoing, each of claims 158-183, as amended, is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully,

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Date: August 17, 2004